

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

D.J.C.V., minor child, and G.C., his father,

Plaintiffs,

v.

UNITED STATES of AMERICA,

Defendant.

No. 1:20-cv-05747 (PAE)

**DECLARATION OF MEENA ROLDÁN OBERDICK, ESQ. IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR APPROVAL OF MINOR SETTLEMENT**

Pursuant to Southern District of New York Local Civil Rule 83.2, Meena Roldán Oberdick, Esq., attorney for plaintiff G.C., and his minor son, plaintiff D.J.C.V. (together, "Plaintiffs"), respectfully requests that the Court consent to and approve the settlement described herein, and affirms the following to be true under the penalties of perjury:

1. That I am an attorney duly licensed to practice law in the State of New York and I am an associate of the law firm LatinoJustice PRLDEF, attorneys for Plaintiffs and as such I am fully familiar with the facts and circumstances herein.
2. I am not related to the infant plaintiff herein nor to any party in this action.
3. I submit this Affirmation in support of the application of G.C., as father and guardian of D.J.C.V., an infant, and G.C., individually, to approve the settlement and compromise of their claims for injuries arising out of their separation by the United States between May and October 2018.

4. This action commenced on July 24, 2020. Dkt. No. 1. After defendant the United States of America (“Defendant”) filed a motion to dismiss, the parties engaged in jurisdictional fact discovery. After briefing on the jurisdictional issues raised in this case, the Court issued a ruling on the jurisdictional question on August 18, 2023. Dkt. No. 241. Thereafter, the parties engaged in settlement negotiations before Magistrate Judge Stewart Aaron. Those negotiations have culminated in a settlement whereby Defendant will pay Plaintiffs a total sum of \$65,000 (hereinafter “Settlement Amount”) in settlement of all claims, pending approval by the Court and satisfaction of certain other conditions described in the proposed Stipulation for Compromise Settlement and Release (the “Settlement Agreement”). The Settlement Agreement is attached as **Exhibit A**.
5. The Settlement Agreement is contingent upon (a) Plaintiffs obtaining this Court’s approval for the minor’s portion of the Settlement Agreement and (b) approval of the Settlement Agreement by the United States Department of Justice. Defendant is able to seek approval of the Settlement by the Attorney General only after Court approval is obtained.
6. Plaintiffs request apportionment between the two Plaintiffs as follows: (a) Plaintiff G.C. shall receive the amount of \$32,500 in settlement of his monetary claims against the United States; and (b) Plaintiff D.J.C.V., a minor, shall receive the amount of \$32,500 in settlement of his monetary claims against the United States.
7. Plaintiff D.J.C.V.’s portion of the Settlement Amount shall be placed in a pooled minor’s trust administered by Legacy Enhancement, a non-profit trust administrator with offices in Texas, where Plaintiffs reside. Distribution of funds to Plaintiff D.J.C.V. from the pooled minor’s trust will be overseen by a fiduciary trustee at Legacy Enhancement. Permissible distributions until Plaintiff D.J.C.V. turns 18 years old include but are not limited to

expenses related to education, health care and technology. After Plaintiff D.J.C.V. turns 18 years old, the funds from the pooled minor's trust will be released to him *in toto*. Information about the pooled minor's trust and the agreement for funding the minor's trust are contained in **Exhibit B** hereto.

8. Plaintiffs' counsel are not taking any attorneys' fees. Plaintiffs' counsel waives and releases any claim for attorneys' fees against the United States and Plaintiffs and will collect no fees for the work they have performed on this case.
9. Plaintiffs understand the United States does not object to this application for the Court's approval of the Settlement Agreement.
10. Plaintiffs' counsel have no interest adverse to D.J.C.V., the minor Plaintiff.
11. No previous application has been made to any court or judge for the relief sought herein.
12. Should the Court have any questions about the Settlement Agreement, Plaintiffs ask that it conduct a fairness hearing to address any issues that might exist.

WHEREFORE, Plaintiffs respectfully requests that the Court enter the Proposed Order Approving Settlement on Behalf of a Minor submitted with this Affirmation, which provides as follows:

- a. Approving the settlement of all claims in this action for the total sum of \$65,000.00, on the terms described in the Settlement Agreement.
- b. Approving the allocation of the Settlement Amount as follows: \$32,500 for Plaintiff G.C., and \$32,500 for Plaintiff D.J.C.V., a minor.
- c. Approving the placement of D.J.C.V.'s Settlement share of \$32,500 into a pooled minor's trust administered by Legacy Enhancement on behalf of D.J.C.V. Plaintiffs'

counsel at LatinoJustice PRLDEF shall coordinate with G.C. and Legacy Enhancement for the execution of all necessary paperwork and the funding of the pooled minor's trust on behalf of D.J.C.V. as soon as reasonably practicable.

RESPECTFULLY SUBMITTED this April 1, 2024:



Meena Roldán Oberdick, Esq.